

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FRANCESCA GINO,)
v.)
Plaintiff,)
PRESIDENT AND FELLOWS OF) Case No. 1:23-cv-11775-MJJ
HARVARD COLLEGE, SRIKANT DATAR,)
JOHN DOES 1-10, AND JANE DOES 1-10,)
Defendants.)
)

STIPULATION AND [PROPOSED] ORDER REGARDING CASE SCHEDULE

Defendants President and Fellows of Harvard College and Srikant Datar (“Harvard”) and Plaintiff Francesca Gino (“Plaintiff” and, together with Harvard the “Parties”), by and through their undersigned counsel, respectfully jointly move the Court to enter this Stipulation and [Proposed] Order Regarding Case Schedule (the “Stipulation”). In support, the Parties state as follows:

1. On October 31, 2023, Plaintiff filed a Charge of Discrimination (the “Charge”)¹ with the Massachusetts Commission Against Discrimination (“MCAD”), asserting claims of discrimination on the basis of sex against the Harvard Defendants pursuant to Title VII of the Civil Rights Act of 1964, as amended (“Title VII”) and M.G.L. c. 151B (“Chapter 151B”). MCAD has not yet made an investigative disposition in the matter.

¹ Plaintiff filed an Amended Charge of Discrimination with MCAD, on November 24, 2023. For purposes of this Proposed Order, the Charge and the Amended Charge of Discrimination are both referred to as the “Charge.”

2. As it has been over ninety days since Plaintiff filed the Charge, Plaintiff now wishes to withdraw the Charge from MCAD and to file a Second Amended Complaint in this matter, adding claims against Harvard pursuant to Title VII and Chapter 151B. Plaintiff intends to submit an MCAD complaint withdrawal form no later than Friday, September 20, 2024, the disposition of which is a prerequisite to adding such claims to a Second Amended Complaint in this matter.

3. On September 11, 2024, this Court entered an order [ECF No. 74] granting the Motion to Dismiss Plaintiff's Complaint of Defendants Uri Simonson, Leif Neilson, and Joseph Simmons [ECF No. 20], and partially granting Harvard's Partial Motion to Dismiss Plaintiff's Complaint [ECF No. 18], triggering Harvard's obligation to file an answer to the undismissed portion of Plaintiff's First Amended Complaint [ECF No. 6] pursuant to Federal Rule of Civil Procedure 12(a)(4)(A). On September 18, 2024, counsel for the Parties met and conferred regarding Plaintiff's desire to file a Second Amended Complaint adding Plaintiff's claims for sex discrimination pursuant to Title VII and Chapter 151B, to which Harvard would assent.

4. To avoid the inefficiencies that would result from requiring Harvard to respond to the First Amended Complaint, which will shortly become inoperative, the Parties have agreed, subject to the Court's approval, to the following:

- a. Plaintiff shall file an Assented-To Motion for Leave to File a Second Amended Complaint incorporating Plaintiff's claims against Harvard under Title VII and Chapter 151B on or before October 18, 2024.²
- b. Harvard's deadline to file a responsive pleading to such Second Amended Complaint shall be November 8, 2024.

² The Parties would intend to request a modest additional extension should MCAD fail to release Plaintiff from that proceeding in a timely manner.

c. The Initial Case Management Conference currently set for October 23, 2024, and all associated deadlines, are continued to a date of the Court's convenience after November 8, 2024.

Dated: September 18, 2024

Respectfully submitted,

/s/ Douglas E. Brayley

Douglas E. Brayley (BBO# 674478)
Jenny K. Cooper (BBO# 646860)
Ropes & Gray LLP
800 Boylston Street
Boston, MA 02199-3600
Tel: (617) 951-7000
Douglas.Brayley@ropesgray.com
Jenny.Cooper@ropesgray.com

*Counsel for Defendants President and
Fellows of Harvard College and Srikant
Datar*

/s/ Julie A. Sacks

Andrew T. Miltenberg, Esq.
(*pro hac vice* forthcoming)
Kara L. Goryicki, Esq.
(*pro hac vice* forthcoming)
Nesenoff & Miltenberg, LLP
363 Seventh Avenue, Fifth Floor
New York, New York 10001
Tel: (212) 736-4500
amiltenberg@nmllplaw.com
kgorycki@nmllplaw.com

Tara Davis Esq. (BBO No. 675346)
Julie A. Sacks, Esq. (BBO No. 674384)
Regina M. Federico, Esq. (BBO No. 70009)
101 Federal Street, 19th Floor
Boston, Massachusetts 02110
Tel: (617) 209-2188
tdavis@nmllplaw.com
jsacks@nmllplaw.com
rfederico@nmllplaw.com

Counsel for Plaintiff Francesca Gino

SO ORDERED

Dated: _____

Hon. Myong J. Joun
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2024, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: September 18, 2024

/s/ *Douglas E. Brayley*
Douglas E. Brayley